

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ERIC M. RASNAKE,	:	Case No. 3:12-cv-36
Plaintiff,	:	District Judge Timothy S. Black
	:	Magistrate Judge Michael J. Newman
vs.	:	
MICHAEL J. ASTRUE,	:	
COMMISSIONER OF	:	
SOCIAL SECURITY,	:	
Defendant.	:	

**REPORT AND RECOMMENDATION¹ THAT: (1) PLAINTIFF’S COMPLAINT BE
DISMISSED; (2) THIS CASE BE TERMINATED UPON THE COURT’S DOCKET; AND
(3) PLAINTIFF BE DENIED *IN FORMA PAUPERIS* STATUS ON APPEAL**

This Social Security disability appeal was filed *pro se* on February 3, 2012. *See* doc. 2. Pursuant to the Sixth Amended Magistrate Judges’ General Order No. 11 (eff. Sept. 1, 2011), Plaintiff’s Statement of Errors was to be filed on or before July 2, 2012 (60 days after Defendant’s service of the Answer on May 3, 2012). Plaintiff failed to comply with this deadline and the Court accordingly issued a Show Cause Order on July 9, 2012, affording Plaintiff ten days to show cause “why this matter should not be dismissed for his failure to comply with the Magistrate Judges’ General Order No. 11 and for failure to prosecute,” or alternatively, to file his Statement of Errors. Doc. 9. Plaintiff was mailed copies of the Show Cause Order and General Order No. 11. *See id.*

The July 19 deadline has passed, and *pro se* Plaintiff has not filed his Statement of Errors. Nor has he filed a response to the Court’s Show Cause Order. Therefore, this case merits dismissal on account of Plaintiff’s lack of prosecution. *Accord Jourdan v. Jabe*, 951 F.2d 108,

¹ Attached hereto is a NOTICE to the parties regarding objections to this Report and Recommendation.

109-10 (6th Cir. 1991). Accordingly, the Court **RECOMMENDS** that: Plaintiff's complaint be **DISMISSED**; this case be **TERMINATED** upon the Court's docket; and Plaintiff be **DENIED** *in forma pauperis* status if he appeals to the Sixth Circuit.

July 30, 2012

s/ **Michael J. Newman**
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within **FOURTEEN** days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to **SEVENTEEN** days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(B)(C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within **FOURTEEN** days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).